



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

10/20/97 SANDLER

P METAL1258-I

01/11/0114

JOHN HENRY SCHAEFER & BRISCOE
111 WHITE PLAINS ROAD
WHITE PLAINS, NY 10611-5144

EXAMINER

BUCCI, D

ART UNIT

PAPER NUMBER

3652

DATE MAILED:

01/14/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on October 28, 1997
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- Of the above, claim(s) None is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3652

1. The drawings are objected to because the reference numeral 15 referred to on line 10 of page 4 is not shown in the drawing figures. Correction is required.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the composting plant referred to in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 is indefinite because the following recitations therein lack proper antecedent basis:

in claim 1;

on line 3, "the lateral wall boards";

on lines 5-6, "the one broadside"; and

on lines 8-9, "the tiltable front board wall".

Claim 1 is confusing because the meaning of lines 8-9 therein is.

Claim 1 is indefinite because no functional language is associated with term "means" on line 2.

Art Unit: 3652

Claim 1 is inaccurate because the rotating mechanism which open and closes the front board wall does not also lock and unlock the front board wall nor does it couple and uncouple the bulk container.

Claim 1 is indefinite because it is narrative in form.

Claim 6 is confusing because it is unclear as to what the metes and bounds of the claim is.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear or understood by the Examiner as to how the device is operated under program control.

It is not clear or understood as to how a container is used in a composting plant.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by North et al.

Art Unit: 3652

North et al show an apparatus comprising: a base 10; a frame 9; a container 1 with a wall board 13, coupling/uncoupling of the container and opening/closing of the wall board performed by rotating mechanisms (i.e., element 7 and a hinge), as broadly claimed.

Re claim 3, as the bin can be tilted to and fro it is inherently set in pulsating movement as broadly claimed.

Re claim 6, refuse is considered to be biological waste which is composted.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication should be directed to D. Bucci at telephone number (703) 308-3668.

Bucci/oc
January 12, 1999

 1/14/99
DAVID A. BUCCI
PATENT EXAMINER
ART UNIT 317